

Attorney Docket No. 233-590-USP

REMARKS

This Amendment is being submitted in response to the Office action mailed December 12, 2005. In the Office action, the Examiner rejected claims 1-4, 7-10, 13-16, 19, and 20. The Examiner also objected to claims 12 and 18. Claims 5, 6, 11, 12, 17, and 18 were indicated to be allowed. Applicant has amended claims 1, 7, 13, 19, and 20, and has canceled claims 5, 11, and 17. No new matter has been added. Claims 1-4, 6-10, 12-16, and 18-20 are thus pending.

Objections to Claims 12 and 18

The Examiner objected to claims 12 and 18 because of alleged informalities arguing that the claims apparently vary in scope from claim 6. While Applicant believes that claims 12 and 18 were definite as filed, Applicant has amended claims 12 and 18 in order to expedite the prosecution of the application and to obtain allowance of the application. Applicant thus believes that claims 12 and 18 are allowable and that the Examiner's objections to claims 12 and 18 have been overcome by the amendments to the claims. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to claims 12 and 18 and allow claims 12 and 18.

Rejections Under 35 U.S.C. § 103(a)

The Examiner also rejected claims 1-4, 7-10, 13-16, 19, and 20 under 35 U.S.C. § 103(a) as being purportedly unpatentable over United States patent number 5,974,474 issued to Fumer et al. in view of United States patent number 5,949,656 issued to Pinault. The Examiner also indicated that claims 5, 6, 11, 12, 17, and 18 were allowable. Applicant has amended independent claims 1, 7, and 13 to include limitations of allowed claims 5, 11, and 17, respectively. Applicant has also amended independent claims 19 and 20 to include similar limitations. No new matter has been added. Applicant thus believes that independent claims 1, 7, 13, 19, and 20 as well as dependent claims 2-4, 6, 8-10, 12, 14-16, and 18 are now allowable. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the objection in view of the amendments to the claims and to allow each of the pending claims 1-4, 6-10, 12-16, and 18-20.

The Applicant agrees with the Examiner's statement of reasons for the indication of allowable subject matter of claims 5, 6, 11, 12, 17, and 18 to the extent that the claims are patentable over the references in the record. However, the Applicant expressly traverses the Examiner's statement to the extent that any statement is intended to or has the intended effect of limiting a claim scope, explicitly or implicitly, by not reciting verbatim the respective

Attorney Docket No. 233-590-USP

claim language, or is intended to or has the effect of limiting a claim scope by stating or implying that all the reasons for patentability are in any way fully enumerated. The Applicant specifically does not acquiesce or agree in any manner as to any assertion in Examiner's statements that may be interpreted to narrow the claims to less than their recited scope.

In addition, the statements made in the Examiner's statement of reasons for the indication of allowable subject matter attempt to summarize limitations from various claims that do not necessarily reflect actual limitations in each of the claims. As such, the individual limitations in the claims need to be construed as they are found in the claims instead of as summarized in the statement made by the Examiner.

The Applicant further points out that the reasons for allowance set forth by the Examiner are not the only reasons that the claims are allowable. Further reasons for allowance of the claims beyond those enumerated by the Examiner are described and set forth in the Applicant's specification. In addition, structures and methods that perform substantially the same function in substantially the same way to achieve substantially the same results are included within the scope of the claims.

Finally, as the Examiner's reasons for allowance are not exhaustive, such reasons for allowance do not establish estoppel against Applicant seeking and obtaining allowance of additional, broader claims in a continuation application, which Applicant reserves the right to file.

The Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 as necessary.

CONCLUSION

Applicant has amended claims 1, 7, 13, 19, and 20, and has canceled claims 5, 11, and 17. No new matter has been added. Claims 1-4, 6-10, 12-16, and 18-20 are thus pending. Applicant believes this amendment and response is fully responsive to the Office action and that the remaining claims 1-4, 6-10, 12-16, and 18-20 are allowable. Applicant accordingly requests the Examiner to promptly issue a notice of allowance.

Attorney Docket No. 233-590-USP

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

Dated: March 13, 2006.

Respectfully submitted,



Thomas J. Osborne, Jr.,
Registration No. 39,796
Attorney for Applicant
USPTO Customer No. 48929

HENSLEY KIM & EDGINGTON, LLC
1660 Lincoln Street, Suite 3050
Denver, Colorado 80264
Tel: 720-377-0770
Fax: 720-377-0777